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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,822	06/26/2001	William Stutz	CTX-073 (1545/127)	2651
959	7590	03/25/2005	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			COULTER, KENNETH R	
			ART UNIT	PAPER NUMBER
			2141	
DATE MAILED: 03/25/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,822

Applicant(s)

STUTZ ET AL.

Examiner

Kenneth R Coulter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/14/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Shapiro et al. (U.S. Pat. No. 2002/0120787) (System and Method for Accessing Functionality of a Backend System from an Application Server).

- 2.1 Regarding claim 1, Shapiro discloses an apparatus for load balanced and fault tolerant aggregation and display of information, said apparatus comprising:

a first web server receiving a transaction, said transaction comprising a first and second request (Fig. 2B, item 104; Abstract; p. 5, paragraph 64 “the **web server** may select an application server to which to **broker the request**, e.g., using load balancing techniques.”);

a first and second agent server (Fig. 2B, items 108A, 108B; Fig. 3; Fig. 4, items 230, 220, 222, and 224; p. 5, paragraph 65 “Each application server may

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interface with various types of other servers or systems.”; p. 6, paragraph 74; p. 6, paragraphs 82 - 84); and

a load-balancing module (Fig. 4, item 240 “Load Balancer”; p. 5, paragraph 64 “the web server may select an application server to which to **broker the request**, e.g., using **load balancing** techniques.”); wherein the first web server assigns the first request to one of said first and second agent servers responsive to said load-balancing module and assigns the second request to one of said first and second agent servers responsive to the load-balancing module (Fig. 2B, item 104; Abstract; p. 5, paragraph 64 “the **web server** may select an application server to which to **broker the request**, e.g., using load balancing techniques.”);

2.2 Per claim 2, Shapiro teaches the apparatus of claim 1 further comprising a state server connected to at least one of said first and second agent servers and providing persistent storage for information (Fig. 2B, items 108A, 108B, 110, 112; p. 5, paragraph 65 “Each application server may interface with various types of other servers or systems.”).

2.3 Regarding claim 3, Shapiro discloses the apparatus of claim 2 wherein said state server comprises a relational database (Fig. 2B, item 110; p. 3, paragraph 41; p. 5, paragraph 65).

2.4 Per claim 4, Shapiro teaches the apparatus of claim 1 further comprising a

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second web server, wherein one of said first and second agent servers sends a first request to one of said first and second web servers responsive to said load-balancing module and sends a second request to one of said first and second web servers responsive to said load-balancing module (p. 5, paragraph 68

"multiple web servers may be present to receive requests from client computers and broker the requests to application servers."; p. 5, paragraph 64 **"the web server** may select an application server to which to **broker the request**, e.g., using load balancing techniques.");

2.5 Regarding claim 5, Shapiro discloses the apparatus of claim 4 wherein said first web server is in communication with said second web server (p. 5, paragraph 68 **"multiple web servers may be present to receive requests from client computers and broker the requests to application servers."**).

2.6 Per claim 6, Shapiro teaches the apparatus of claim 1 wherein each agent server comprises a dispatcher for instantiating at least one of an assimilation agent and an integration server (Figs. 3, 4).

2.7 Regarding claim 7, Shapiro discloses the apparatus of claim 1 further comprising a communications module in communications with said first web server, said communications module in communication with a network (Fig. 2B).

2.8 Per claim 8, Shapiro teaches a method for load-balanced and fault tolerant

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aggregation and display of information in an apparatus comprising a web server, a first agent server, a second agent server, and a load-balancing module, said method comprising the steps:

(a) receiving, by a web server, a first request (p. 5, paragraph 64 “the **web server** may select an application server to which to **broker the request**, e.g., using load balancing techniques.”);

(b) assigning, by said web server, said first request to one of a first agent server and a second agent server responsive to a load-balancing module (Fig. 4, item 240 “Load Balancer”; p. 5, paragraph 64 “the **web server** may select an application server to which to **broker the request**, e.g., using **load balancing** techniques.”);

(c) receiving, by said web server, a second request (Fig. 4, item 240 “Load Balancer”; p. 5, paragraph 64); and

(d) assigning, by said web server, said second request to one of said first agent server and said second agent server responsive to said load-balancing module (Fig. 2B, item 104; Abstract; p. 5, paragraph 64 “the **web server** may select an application server to which to **broker the request**, e.g., using load balancing techniques.”);

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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U.S. Pat. Pub. No. 2002/0042823 DeBettencourt et al.

Similar to Yamane et al. listed below

U.S. Pat. Pub. No. 2003/0014526 Pullara et al.

Load balancing system with a web server and application servers.

See Fig. 1

U.S. Pat. No. 6,823,382 Stone

Load balancing system, with local agents and service agents, that includes connected web servers, application servers and database servers.

See Figs. 2, 3, 12

U.S. Pat. No. 6,195,680 Goldszmidt et al.

Method of switching client agents to alternate servers due to "server failure or overload while maintaining a balanced load across multiple servers in a distributed network ..."

See Abstract; col. 3, lines 22 - 26

U.S. Pat. No. 6,317,786 Yamane et al.

System where requests are redirected from web servers under peak load.

See Figs. 1, 4; col. 26, lines 4 - 11

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U.S. Pat. No. 6,128,644 Nozaki

Web server load balancing with agent servers (proxy servers).

See Fig. 6; Abstract

U.S. Pat. No. 6,128,657 Okanoya et al.

Load sharing system with a plurality of servers and a state management agent and request distributing means.

See Fig. 1

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER
PRIMARY EXAMINER


krc